

EXHIBIT A



11/04/2022
CT Log Number 542623055

Service of Process Transmittal Summary

TO: Brette Kranz
MINERALS TECHNOLOGIES INC.
622 3rd Ave Fl 38
New York, NY 10017-6729

RE: Process Served in California

FOR: Specialty Minerals Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: CEDRIC SWAN, an individual, // To: Specialty Minerals Inc.

CASE #: CIVSB2219378

NATURE OF ACTION: Employee Litigation - Wrongful Termination

PROCESS SERVED ON: C T Corporation System, GLENDALE, CA

DATE/METHOD OF SERVICE: By Process Server on 11/04/2022 at 15:08

JURISDICTION SERVED: California

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Brette Kranz Brette.Kranz@Mineralstech.com
Email Notification, Thomas Meek thomas.meek@mineralstech.com
Email Notification, Timothy Jordan Timothy.Jordan@mineralstech.com
Email Notification, Judy Geiser judy.geiser@mineralstech.com
Email Notification, Joseph Meadows Joseph.Meadows@mineralstech.com

REGISTERED AGENT CONTACT: C T Corporation System
330 N BRAND BLVD
STE 700
GLENDALE, CA 91203
866-401-8252
EastTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Fri, Nov 4, 2022
Server Name: Janney and Janney

Entity Served	SPECIALTY MINERALS INC.
Case Number	CIVSB2219378
Jurisdiction	CA

Inserts		



COPY

SUM-100

**SUMMONS
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

SPECIALTY MINERALS, INC., a Delaware Corporation; and DOES 1 to 50, et al.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
CEDRIC SWAN, an individualFOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 24 2022

BY Jordyn Drake, DEPUTY**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Bernardino Superior Court - Civil Division
247 West Third Street
San Bernardino, CA 92415-0210

CASE NUMBER: (Número del Caso):

CIV SB 2219378

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Anna R. Salusky, Esq., SALUSKY LAW GROUP, APC 3738 Bayer Avenue, Suite 104 Long Beach, California 90808; (562)855-0004

DATE: **OCT 24 2022**
(Fecha)

Clerk, by Jordyn Drake, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

COPY**NOTICE TO THE PERSON SERVED: You are served**

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): SPECIALTY MINERALS, INC.
a DELAWARE CORPORATION
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☒ by personal delivery on (date): **NOV 04 2022**

Page 1 of 1

BY FAX

COPY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

SEP 01 2022

Jordyn Drake
Jordyn Drake

1 Anna R. Salusky (SBN: 222484)
2 **SALUSKY LAW GROUP**
3 3738 Bayer Avenue, Suite 104
4 Long Beach, California 90808
5 Telephone: (562)855-0004
6 Facsimile: (562)855-0002
7 Email: asalusky@saluskylaw.com

8 Attorneys for Plaintiff CEDRIC SWAN

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

11 CEDRIC SWAN, an individual,

12 Plaintiff,

13 vs.

14 SPECIALTY MINERALS, INC., a Delaware
15 Corporation; and DOES 1 to 50, et al.

16 Defendants.

CASE NO.:

Hon.

Dept.:

CIV SB 2219378

COMPLAINT FOR DAMAGES:

1. Age Discrimination
2. Disability Discrimination – Disparate Treatment
3. Wrongful Discharge in Violation of Public Policy
4. Failure to Reimburse for Necessary Work Expenses
5. Failure to Produce Personnel File

DEMAND FOR JURY TRIAL

BY FAX

1 Plaintiff CEDRIC SWAN ("Plaintiff"), an individual, by and through Plaintiff's attorney
2 of record, Salusky Law Group, APC, hereby alleges and complains against Defendant
3 SPECIALTY MINERALS, INC., a Delaware Corporation ("SMI") and DOES 1 through 50
4 (hereinafter collectively referred to as "Defendant") as follows:

5 **I.**

6 **INTRODUCTION**

7 1. Plaintiff alleges claims for damages arising out of Defendant's violation of the
8 Fair Employment and Housing Act and the California Labor Code.

9 **II.**

10 **JURISDICTION AND VENUE**

11 2. Venue is proper in this Judicial district and the County of San Bernardino,
12 because Defendants maintain their business location and transact business in this county, the
13 obligations and liability arose in this county, and work was performed by Plaintiff and members
14 of the proposed class made the subject of this action in the County of San Bernardino, California.

15 3. The California Superior Court has jurisdiction in the matter because Plaintiff is a
16 resident of and/or domiciled in the State of California. Defendant SPECIALTY MINERALS,
17 INC. is a Delaware Corporation doing business in the state of California, County of San
18 Bernardino.

19 4. Further, there is no federal question at issue as the issues herein are based solely
20 on California Statutes and law including the California Labor Code, Industrial Welfare
21 Commission Wage Orders, Code of Civil Procedure, Rule of Court, and Business and
22 Professions Code.

23 **III.**

24 **THE PARTIES**

25 **A. The Plaintiff**

26 5. Plaintiff, CEDRIC SWAN, was an employee of the Defendant from
27 approximately March 28, 2021, through December 2021. Defendant employed Plaintiff as a
28 Maintenance Technician. Plaintiff was employed by Defendant in the County of San Bernardino

1 at all times herein relevant. Plaintiff was employed by Defendant during the liability period in a
2 non-exempt hourly position.

3 **B. The Defendant**

4 6. Plaintiff is informed and believes, and based thereon alleges that, SPECIALTY
5 MINERALS, INC. is a Delaware Corporation doing business in the state of California, County
6 of San Bernardino.

7 **IV.**

8 **EXHAUSTION OF REMEDIES**

9 7. On August 25, 2022, Mr. Swan filed a charge of discrimination with the
10 California Department of Fair Employment and Housing (“DFEH”). That same day, the DFEH
11 closed Mr. Swan’s case and issued a Right-to-Sue Notice. Therefore, Mr. Swan has exhausted
12 his administrative remedies. A true and correct copy of the charge and notice is attached hereto
13 as **Exhibit 1**.

14 **V.**

15 **FACTUAL ALLEGATIONS**

16 8. On or about March 28, 2021, Cedric Swan (“Mr. Swan”) received an offer letter
17 to begin work with Specialty Minerals, Inc. (“SMI”) as a maintenance technician. His job
18 responsibilities included installing and rewiring motors, installing light fixtures, and utilizing his
19 skills as an electrician. At the time of hire, Mr. Swan had spent many years working in the
20 electrical field. Mr. Swan took a physical, drug test and background check as a condition of
21 employment. Mr. Swan started working in June 2021, after the background and screening
22 process were completed. By the time Mr. Swan started worked, a new management team was in
23 place.

24 9. On or around October 2021, Mr. Swan disclosed to management that he was
25 suffering pain in his pelvis, and he was referred to a worker’s compensation doctor. Mr. Swan
26 was eventually diagnosed as suffering from a hernia. From the time that Mr. Swan began
27 receiving medical treatment for his work-related injury, he noticed that the company
28 management started treating him differently. For example, Mr. Swan’s boss limited his hours to

1 40 hours per week, instead of the standard 48 hours. Mr. Swan began working light duty
2 assignments during this time.

3 10. On or around December 1, 2021, after work, Mr. Swan was involved in a motor
4 vehicle accident, through no fault of his own. He contacted his supervisor David Sharp to inform
5 him about the accident, that his car was a total loss and that he was not feeling well. Mr. Sharp
6 responded, "take care of yourself." The following day, Mr. Swan reported the same information
7 to HR. On or about December 3, 2021, SMI terminated Mr. Swan's employment. At the time of
8 termination, he earned \$29.13 per hour.

9 11. At the time of Mr. Swan's termination, his tools were still at work. David Sharp,
10 the plant manager, promised to mail Mr. Swan his tools but never did so. Mr. Swan has inquired
11 several times about getting his tools back, but SMI has refused to do so. Mr. Swan spent
12 approximately \$350 on tools for work, for which he was never reimbursed for. This included a
13 tool bag, impact wrench and various hand tools.

14 12. While working for SMI, Mr. Swan regularly used his cell phone for work related
15 purposes, without the company reimbursing him. For example, Mr. Swan's boss would text him
16 about work. In addition, the company provided a radio for service calls, but it would break
17 down. When the radio was not working, Mr. Swan used his cell phone instead. While working
18 on light duty, Mr. Swan had to utilize his cell phone even more frequently.

19 **FIRST CAUSE OF ACTION**

20 **Age Discrimination**

21 **(Plaintiff against Defendants and Does 1-50 Inclusive)**

22 13. Plaintiff realleges and incorporates by reference all preceding paragraphs of this
23 complaint as though fully set forth herein.

24 14. Plaintiff alleges that Defendant wrongfully discriminated against him because of
25 his age.

26 15. Plaintiff was over the age of 40 at the time of his discharge.

27 16. Plaintiff's age was a substantial motivating reason for Defendant's decision to
28 discharge Plaintiff.

1 17. Plaintiff suffered harm as a result of his termination.

2 18. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

3 **SECOND CAUSE OF ACTION**

4 **Disability Discrimination – Disparate Treatment**

5 **(Plaintiff against Defendants and Does 1-50 Inclusive)**

6 19. Plaintiff realleges and incorporates by reference all preceding paragraphs of this
7 complaint as though fully set forth herein.

8 20. Defendant knew that Plaintiff had a history of having a physical condition that
9 limited a major life activity.

10 21. Plaintiff was able to perform the essential job duties of his position, either with or
11 without a reasonable accommodation for his condition.

12 22. Defendants discharged Plaintiff.

13 23. Plaintiff's history of a physical condition was a substantial motivating reason for
14 Defendant's decision to Plaintiff.

15 **THIRD CAUSE OF ACTION**

16 **Wrongful Discharge in Violation of Public Policy**

17 **(Plaintiff against Defendants and Does 1-50 Inclusive)**

18 24. Plaintiff realleges and incorporates by reference all preceding paragraphs of this
19 complaint as though fully set forth herein.

20 25. Plaintiff claims that he was discharged from employment for reasons that violate
21 public policy. It is a violation to discharge someone from employment due to a disability and/or
22 due to age.

23 26. Plaintiff's age and disability were substantial motivating reasons for Defendant
24 discharging him from employment.

25 27. Plaintiff was harmed.

26 28. The discharge was a substantial motivating reason for causing Plaintiff's harm.

27 ///

28 ///

FOURTH CAUSE OF ACTION

Failure to Reimburse Business Expenses

(Plaintiff against Defendants and Does 1-50 Inclusive)

29. Plaintiff realleges and incorporates by reference all preceding paragraphs of this complaint as though fully set forth herein.

30. California Labor Code section 2802, states "An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties...."

31. Plaintiff was not reimbursed by Defendant for necessary expenditures as a direct consequence of the discharge of his duties.

32. Defendant knowingly, willingly and intentionally attempted to offset the cost of doing business on the Plaintiff.

33. Defendant had a corporate practice and policy of requiring Plaintiff to shoulder the burden of Defendant's cost of doing business by requiring Plaintiff to purchase his own tools for use on the job and use his own personal cell phone for work-related purposes, without reimbursement from Defendant. Further, Plaintiff's tools were left behind at Defendant's location and Defendant has refused to return said tools. Accordingly, Plaintiff is entitled to an award of "necessary expenditures or losses" in accordance with Cal. Labor Code section 2802, which include attorney's fees incurred by the employee enforcing the rights granted by this section.

FIFTH CAUSE OF ACTION

Failure to Produce Personnel File In Violation of Labor Code Sections 226(c) and 1198.5(n)

(Plaintiff against Defendants and Does 1-50 Inclusive)

34. Plaintiff realleges and incorporates by reference all preceding paragraphs of this complaint as though fully set forth herein.

35. On February 1, 2022, Plaintiff, by and through is counsel, requested in writing his personnel records and payroll records. To date, Defendant has failed to provide

any of the requested records. Plaintiff is therefore entitled to a statutory penalty of \$750.00 under Labor Code sections 226 and 1198.5.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. For nominal damages;
2. For compensatory damages;
3. For restitution of all monies due to Plaintiff, and disgorged profits from the unlawful business practices of Defendant;
4. For penalties pursuant to the applicable Labor Codes and applicable Government Codes;
5. For interest accrued to date;
6. For costs of suit and expenses incurred herein pursuant to Code of Civil Procedure sections 1021.5, the Labor Code and other applicable laws;
7. For reasonable attorneys' fees pursuant to Code of Civil Procedure section 1021.5, Labor Code, and Government Code, and;
8. For all such other and further relief as the Court may deem just and proper.

Dated: August 30, 2022

SALUSKY LAW GROUP



Anna R. Salusky, Esq.
Attorney for CECRIC SWAN

DEMAND FOR JURY TRIAL

Plaintiff CEDRIC SWAN hereby requests a jury trial on all issues so triable.

Dated: August 30, 2022

SALUSKY LAW GROUP, APC



Anna R. Salusky, Esq.
Attorney for CEDRIC SWAN

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Anna R. Salusky, Esq. (SBN 222484) SALUSKY LAW GROUP, APC
 3738 Bayer Ave., Suite 104, Long Beach, CA 90808

TELEPHONE NO.: (562) 855-0004

FAX NO. (Optional): (562) 855-0002

E-MAIL ADDRESS: asalusky@saluskylawgroup.com

ATTORNEY FOR (Name): Plaintiff, Cedric Swan

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

STREET ADDRESS: 247 West Third Street

MAILING ADDRESS:

CITY AND ZIP CODE: San Bernardino, CA 92415-0210

BRANCH NAME: Civil Division

CASE NAME:

Swan v. Specialty Minerals, Inc.

COPY

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

SEP 01 2022

Jordyn Drake
Jordyn Drake

CIVIL CASE COVER SHEET

☒ **Unlimited**
 (Amount
 demanded
 exceeds \$25,000)

☐ **Limited**
 (Amount
 demanded is
 \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CIV SB 2219378

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)
**Other PI/PD/WD (Personal Injury/Property
 Damage/Wrongful Death) Tort**

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☒ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse
 condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation
 (Cal. Rules of Court, rules 3.400-3.403)**

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the
 above listed provisionally complex case
 types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 30, 2022

Anna R. Salusky

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

COPY**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO**CEDRIC SWANCase No **CIV SB 2219378**

vs.

CERTIFICATE OF ASSIGNMENTSPECIALTY MINERALS, INC.

A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the San Bernardino District of the Superior Court under Rule 131 and General Order of this court for the checked reason:

☒ General☐ Collection**Nature of Action****Ground**

- | | |
|---|---|
| <input type="checkbox"/> 1. Adoption | Petitioner resides within the district |
| <input type="checkbox"/> 2. Conservator | Petitioner or conservatee resides within the district. |
| <input type="checkbox"/> 3. Contract | Performance in the district is expressly provided for. |
| <input type="checkbox"/> 4. Equity | The cause of action arose within the district. |
| <input type="checkbox"/> 5. Eminent Domain | The property is located within the district. |
| <input type="checkbox"/> 6. Family Law | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 7. Guardianship | Petitioner or ward resides within the district or has property within the district. |
| <input type="checkbox"/> 8. Harassment | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 9. Mandate | The defendant functions wholly within the district. |
| <input type="checkbox"/> 10. Name Change | The petitioner resides within the district. |
| <input type="checkbox"/> 11. Personal Injury | The injury occurred within the district. |
| <input type="checkbox"/> 12. Personal Property | The property is located within the district. |
| <input type="checkbox"/> 13. Probate | Decedent resided or resides within or had property within the district. |
| <input type="checkbox"/> 14. Prohibition | The defendant functions wholly within the district. |
| <input type="checkbox"/> 15. Review | The defendant functions wholly within the district. |
| <input type="checkbox"/> 16. Title to Real Property | The property is located within the district. |
| <input type="checkbox"/> 17. Transferred Action | The lower court is located within the district. |
| <input type="checkbox"/> 18. Unlawful Detainer | The property is located within the district. |
| <input type="checkbox"/> 19. Domestic Violence | The petitioner, defendant, plaintiff or respondent resides within the district. |
| <input type="checkbox"/> 20. Other _____ | |
| <input checked="" type="checkbox"/> 21. THIS FILING WOULD | NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT |

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designed district is:

Specialty Minerals, Inc.6565 Meridian Ave.

NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR

ADDRESS

Lucerne ValleyCA92356

CITY

STATE

ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on August 30, 2022 at Long Beach, California.



Signature of Attorney/Party

BY FAX



SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO

San Bernardino District
247 West 3rd St
San Bernardino CA 92415
www.sb-court.org
909-708-8678

Swan -v- Specialty Minerals, Inc et al

NOTICE OF TRIAL SETTING CONFERENCE and NOTICE OF CASE ASSIGNMENT

Case Number

CIVSB2219378

Salusky Law Group
3738 Bayer Ave Suite 104
Long Beach CA 90808-1883

This case has been assigned to: Wilfred J Schneider, Jr. in Department S32 - SBJC for all purposes.

Notice is hereby given that the above-entitled case has been set for Trial Setting Conference on:

Hearing Date: 04/24/2023 at 8:30 AM in Department S32 - SBJC

Date: 10/24/2022

By:

A handwritten signature in black ink, appearing to read "Jordyn Drake".

Jordyn Drake, Deputy Clerk

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above-listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above-listed notice by:

- ☐ Enclosed in a sealed envelope mailed to the interested party addressed above for collection and mailing this date, following standard Court practices.
- ☐ Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above or as shown on the attached listing.
- ☐ A copy of this notice was given to the filing party at the counter.
- ☒ A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file-stamped documents.

Date of Mailing: 10/24/2022

I declare under penalty of perjury that the forgoing is true and correct. Executed on 10/24/2022 at San Bernardino, CA.

By:

A handwritten signature in black ink, appearing to read "Jordyn Drake".

Jordyn Drake, Deputy Clerk

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:	TRIAL SETTING CONFERENCE DATE: _____		
E-MAIL ADDRESS:	UNLIMITED CASE: _____		
ATTORNEY FOR (Name):	LIMITED CASE: _____		
FAX NO. (Optional):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO			
COURTHOUSE ADDRESS:			CASE NUMBER:
PLAINTIFF:			
DEFENDANT:			
INITIAL TRIAL SETTING CONFERENCE STATEMENT			

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided. This document must be filed and served at least 15 days prior to the trial setting conference date.

1. **Party or parties** (answer one):
 - a. ☐ This statement is submitted by party (*name*):
 - b. ☐ This statement is submitted jointly by parties (*names*):
2. **Service of Complaint** on all parties has ☐ has not ☐ been completed.
3. **Service of Cross-Complaint** on all parties has ☐ has not ☐ been completed.
4. **Description of case** in Complaint:
5. **Description of case** in Cross-Complaint:
6. Has all discovery been completed: Yes ☐ No ☐ Date discovery anticipated to be completed: _____
7. Do you agree to mediation? Yes ☐ No ☐ Please check type agreed to: Private: _____ Court-sponsored: _____
8. **Related cases, consolidation, and coordination:** Please attach a Notice of Related Case.

☐ A motion to ☐ consolidate ☐ Trial dates requested: Yes ☐ No ☐ Available dates: _____

Time estimate: _____
9. **Other issues:**

☐ The following additional matters are requested to be considered by the Court:
10. **Meet and Confer:**

☐ The parties represent that they have met and conferred on all subjects required by California Rules of Court, Rule 3.724.

☐ The parties have entered into the following stipulation(s):
11. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the Initial Trial Setting Conference, including the written authority of the party where required.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)